

Amendments to the Drawings:

The attached Replacement Sheet of drawings includes changes to Fig. 16, and replaces the original sheet labeled “16/20” showing this figure. Specifically:

Element 1600 has been labeled and accurately reflects the description found in paragraph [0172] of the specification.

Attachment: Replacement Sheet “16/20”

REMARKS

Claims 53 – 57 are currently pending in the application. Fig. 16 has been amended to correct a formal matter noted by the Examiner. Claims 1 – 52 have been cancelled. Support for new claims 53 – 57 may be found, for example, in paragraphs [0012] – [0022], [0071], [0073], [0083] – [0084], [0122] – [0125] and [0172], as well as the cancelled claims. Accordingly, no new matter has been added to the application by the foregoing amendment.

Specification

The Examiner has objected to the specification for referencing element 1600 that is not shown in the drawings. In the drawings amendments submitted herewith, Applicants have amended Fig. 16 to include reference numeral 1600. Accordingly, this objection has been overcome.

Drawings

The Examiner has objected to the drawings “because element 1600, referred to in Figure 16” and described in paragraph 172 is missing. A corrected drawing sheet in compliance with 37 CFR 1.121(d) has been included in this reply. Specifically, in Replacement Sheet 16/20, Applicants have amended Fig. 16 to label element 1600 and reflect paragraph [0172]. Entry of the Drawing Amendment and reconsideration and withdrawal of the Examiner’s objections are respectfully requested.

Claim Objections – Claim Informalities

The Examiner has objected to claims 23 – 25 since “it is not clear if these are method claims, apparatus claims or a method of operating an apparatus.” Claims 23 – 25 have been cancelled. As such, the objection is moot.

Claim Rejections – § 112, second paragraph

The Examiner has rejected claims 34 – 38 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 34 – 38 have been cancelled. As such the Examiner’s 112, second paragraph rejections are moot.

Claim Rejections – § 101

The Examiner has rejected claims 34 – 38 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 34 – 38 have been cancelled. As such the Examiner’s 101 rejections are moot.

Claim Rejections – § 102

The Examiner has rejected claims 1, 4 – 11, 13 – 38, and 41 – 48 under 35 U.S.C. 102(b) as being anticipated by D.J. Zigmond et al., International Patent Application Publication Number WO 99/66719 (hereinafter “Zigmond”). Claims 1, 4 – 11, 13 – 38, and 41 – 48 have been cancelled. As such withdrawal of the Examiner’s 102(b) rejections are respectfully requested.

Claim Rejections – § 103

The Examiner has rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Zigmond in view of D.C. Hutchison et al., “Application of Second Generation Advanced Multimedia Display Processor (AMDP2) in a Digital Micro-Mirror Array Based HDTV. IEEE, 2001. Claim 2 has been cancelled. As such withdrawal of the Examiner’s 103(a) rejection is respectfully requested.

The Examiner has rejected claims 3, 39 and 40 under 35 U.S.C. 103(a) as being unpatentable over Zigmond in view of E. McGrath, Digital Insertion of Advertising into a Digital Stream (DID), International Broadcasting Convention, IEEE, 1997. Claims 3, 39 and 40 have been cancelled. As such withdrawal of the Examiner’s 103(a) rejections are respectfully requested

The Examiner has rejected claims 12, 30, 31 and 49 under 35 U.S.C. 103(a) as being unpatentable over R. Lienhart et al., On the Detection and Recognition of Television Commercials, IEEE, 1997 (hereinafter “Lienhart”). Claims 12, 30, 31 and 49 have been cancelled. As such withdrawal of the Examiner’s 103(a) rejections are respectfully requested.

With respect to new independent claim 53, Zigmond does not teach “determining a predicted duration for the ad break.” In fact, Zigmond does not teach any type of predicting. In rejecting the predictive elements of the now cancelled claims, the Examiner cited both Fig. 6 and page 5, lines 3 – 5 of Zigmond. However, Zigmond does not discuss “predicting” as recited in claim 53.

Zigmond briefly discusses a system where the appropriate time for beginning an advertisement is received based on a trigger. However, Zigmond’s system clearly does not predict the duration of the advertisement. The system in Zigmond describes that “during display of the video programming feed, an appropriate time for displaying a selected advertisement to the viewer is indicated by a triggering event.” (Zigmond, p. 6, lns. 6 – 7). This triggering event is received from “the timewise structure [of] the video programming feed, or based on an external mechanism, such as information contained in an electronic program guide.” (Zigmond, p. 6, lns. 9 – 11). Finally, “upon termination of the advertisement, the video programming feed is again displayed to the viewer.” Although Zigmond discusses the inserted ad ending and the original program beginning, there is no use of a predictive technique as recited in claim 53. Furthermore, new independent claim 53 uses “the channel identifier” to determine length of ad breaks. Zigmond does not teach using a channel identifier for this type of determination. In fact, Zigmond’s system is based on a triggering event and in no way uses a channel identifier. Lienhart does also not teach or suggest these features of independent claim 53.

As such, Applicants respectfully submit that new independent claim 53 is allowable over the prior art. Dependent claims 54 – 57 are allowable at least by their dependancy on claim 53.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit the application, including claims 53 - 57, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested

Respectfully submitted,

Date: 6/2/08

By: Andrew W. Spicer

Andrew W. Spicer
Registration No. 57,420
Technology, Patents & Licensing, Inc.
2003 South Easton Road, Suite 208
Doylestown, PA 18901
267-880-1720

Customer No.: 27833